

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

FRANK JOSEPH FILIPPELLI, D.O., RESPONDENT

No. 03-04-011

STATEMENT OF CHARGES,

SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COMES NOW the Iowa Board of Medical Examiners (the Board), and Frank Joseph Filippelli, D.O., (Respondent), on February 26, 2004, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued license number 3337 to practice osteopathic medicine and surgery in Iowa on September 26, 2000. Respondent's Iowa medical license is valid and will next expire on June 1, 2005.

2. The Board has jurisdiction over the parties and subject matter.

COUNT I

3. Respondent is charged under section 148.6(2)(i) of the Code of Iowa (2003) with violating a lawful order of the Board.

CIRCUMSTANCES

4. On May 29, 2002, the Board filed a Statement of Charges against Respondent for engaging in unprofessional conduct and pleading guilty to one count of illegal possession of a controlled substance in violation of the laws and rules governing the practice of medicine in Iowa.

5. On September 10, 2002, Respondent and the Board entered into a Settlement Agreement to resolve the pending disciplinary charges. Under the terms of the Settlement Agreement, Respondent agreed to fully comply with the requirements of the Board's drug screening program. Respondent was required to call in for random drug screens and to provide urine samples when required as part of the drug screening program.

6. On January 30, 2004, the Board reviewed information which indicates that Respondent failed to call in for random drug screens on numerous occasions and failed to provide a urine sample for drug testing on at least one occasion in violation of the terms and conditions of his Board Order.

SETTLEMENT AGREEMENT

7. Respondent is hereby **CITED** for violating the terms of his Board Order when he failed to fully comply with the Board's drug screening program. Respondent is hereby **WARNED** that evidence of such violations in the future may result in further disciplinary action, including suspension or revocation of your Iowa medical license.

8. Nothing in this Order shall affect the terms and conditions established in the September 10, 2002, Settlement Agreement and Final Order entered into by Respondent and the Board.

9. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

10. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the combined Statement of Charges, Settlement Agreement and Final Order.

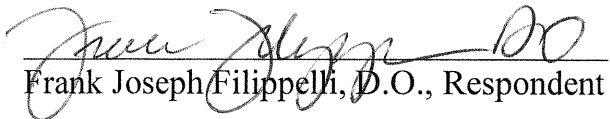
11. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

12. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Settlement Agreement.

13. This combined Statement of Charges, Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for consideration.

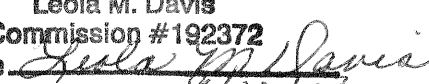
14. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval by the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.

15. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Frank Joseph Filippelli, D.O., Respondent

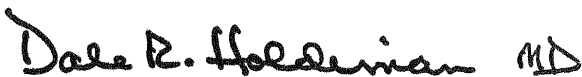
Subscribed and sworn to before me on 2/23, 2004.

Notary Public, State of

Notarial Seal-State of Iowa
Leola M. Davis
Commission #192372
Signature 
My Commission Expires 9/10/06

This Settlement Agreement and Final Order is approved by the Board on

February 26, 2004.

 MD

Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686